

UNITED STATES DISTRICT COURT

Eastern

DISTRICT OF

Virginia

NATIONAL STABILIZATION AGREEMENT  
OF THE SHEET METAL INDUSTRY  
TRUST FUND, et al  
V.  
E A BREEN JR. ROOFING & SHEET  
METAL WORK, INC.

**CERTIFICATION OF JUDGMENT  
FOR REGISTRATION IN  
ANOTHER DISTRICT**

Case Number: 1:05cv108

I, Elizabeth H. Paret, Clerk of the United States District Court certify that the  
attached judgment is a true and correct copy of the original judgment entered in this action on May 13, 2005,  
Date

as it appears in the records of this court, and that

\* no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal

Rules of Appellate Procedure has been filed.


IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court on

July 15, 2005

Date

Elizabeth H. Paret

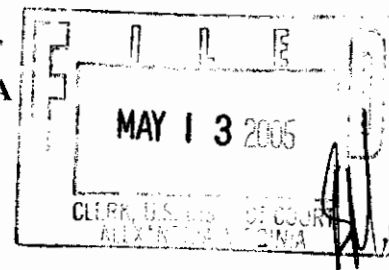
Clerk

  
(By) Deputy Clerk

\*Insert the appropriate language: ...“no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.” ...“no notice of appeal from this judgment has been filed, and any motions of the kinds listed in Rule 4(a) of the Federal Rules of Appellate Procedure (†) have been disposed of, the latest order disposing of such a motion having been entered on [date].” ...“an appeal was taken from this judgment and the judgment was affirmed by mandate of the Court of Appeals issued on [date]. ...“an appeal was taken from this judgment and the appeal was dismissed by order entered on [date].”

(†Note: The motions listed in Rule 4(a), Fed. R. App. P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**



NATIONAL STABILIZATION AGREEMENT	)	
OF THE SHEET METAL INDUSTRY	)	
TRUST FUND, et al.,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 05-108 (LMB)
	)	
E A BREEN JR. ROOFING & SHEET METAL	)	
WORK, INC.	)	
a/k/a E A Breen Jr. Roofing & Sheet Metal, Inc.	)	
a/k/a E A Breen Jr. Rfg. & Sheet Metal Works	)	
a/k/a E A Breen Jr. Rfg. & SM Works, Inc.	)	

**DEFAULT JUDGMENT AND ORDER**

Upon consideration of the Motion for Default Judgment submitted by Plaintiffs, the National Stabilization Agreement of the Sheet Metal Industry Trust Fund ("SASMI Trust Fund"), Sheet Metal Workers' National Pension Fund ("NPF"), International Training Institute for the Sheet Metal and Air Conditioning Industry ("ITI") (f/k/a National Training Fund for the Sheet Metal and Air Conditioning Industry), National Energy Management Institute Committee ("NEMI"), Sheet Metal International Association Scholarship Fund ("SMWIASF"), and Sheet Metal Occupational Health Institute Trust Fund ("SMOHI") (NPF, ITI, NEMI, SMWIASF and SMOHI are jointly referred to as "National Funds" and together with SASMI Trust Fund as "Funds"), the Magistrate Judge's Report and Recommendation and the absence of exceptions thereto, and the entire record in this case, it appearing to the Court that Defendant, E A Breen Roofing & Sheet Metal Work, Inc. a/k/a E A Breen Jr. Roofing & Sheet Metal, Inc. a/k/a E A Breen Jr. Rfg. & Sheet Metal Works a/k/a E A Breen Jr. Rfg. & SM Works, Inc., ("Company" or "Defendant"), has failed to plead or otherwise defend in this action, that a default has been

entered, and that there is no just reason for delay, it is ORDERED by the Court, this \_\_\_\_\_ day of \_\_\_\_\_, 2005:

1. The Court adopts the Magistrate Judge's Report and Recommendation and grants the Funds' Motion for Default Judgment.
2. Judgment by default in the total sum of \$26,770.12 is entered in favor of the Funds and against Defendant. This amount includes the following for each of the Funds:

Fund	Contributions	Interest	Liquidated Damages	Late Fees	Attorneys Fees	Costs	Total
NPF	\$12,786.28	\$483.89	\$2,557.21	\$391.31	\$3,076.86	\$263.92	\$19,559.47
ITI	\$283.68	\$10.84	\$56.72	-	-	-	\$351.24
NEMI	\$70.88	\$2.69	\$14.16	-	-	-	\$87.73
SMOHI	\$47.28	\$1.80	\$9.44	-	-	-	\$58.52
SMWIASF	\$23.60	\$0.92	\$4.72	-	-	-	\$29.24
SASMI	\$4,554.09	\$98.63	\$1,164.41	-	\$796.64	\$70.15	\$6,683.92
TOTAL	\$17,765.81	\$598.77	\$3,806.66	\$391.31	\$3,873.50	\$334.07	\$26,770.12

3. Within twenty (20) days of the entry of this Order, Defendant shall fully and accurately complete and submit to the Funds any and all then outstanding remittance reports with all required information including the name and social security number of each employee, the hours worked, wages paid and contributions owed for that month together with a check for the full amount of the contributions owed.

4. Defendant shall pay to NPF, ITI, NEMI, SMWIASF and SMOHI additional interest at twelve percent (12%) per year, in accordance with the Funds' governing documents, on the amount of any delinquent monthly contributions awarded in this Order or hereafter due them, including any additional contributions due for July 2004 through February 2005, from the date the contribution was due through the date payment is finally made.

5. Defendant shall pay to the SASMI Trust Fund additional interest calculated at the rates provided for under 26 U.S.C. §6621, as from time to time amended, on the amount of any delinquent monthly contributions awarded in this Order or hereafter due them, including any additional contributions due for February 2004 through February 2005, from the date the contribution was due through the date payment is finally made.

6. Defendant shall pay to NPF, ITI, NEMI, SMWIASF and SMOHI additional liquidated damages equal to twenty percent (20%) of the amount of any additional delinquent contributions due them for the months of July 2004 through February 2005 and for any month thereafter.

7. Defendant shall pay to the SASMI Trust Fund additional liquidated damages equal to twenty percent (20%) (or such other amount as prescribed under the SASMI Trust Fund's Rules and Regulations) of the amount of any additional delinquent contributions due for the months of February 2004 through February 2005 and for any month thereafter.

8. Defendant shall submit to an audit of their wage, payroll, and personnel records for all periods for which Defendant is obligated to contribute to the Funds within twenty (20) days of the date this Order becomes final, and Defendant shall pay all contributions, interest, and liquidated damages determined by such audit to be due, as well as the costs of such audit.

9. Defendant shall pay to the Funds any additional reasonable attorneys' fees and costs incurred in connection with this case on and after April 22, 2005 including, without limitation, those incurred to enforce and collect this judgment. If any such further action by the Funds is required, they may apply to this Court or to the Court in which enforcement is sought for further

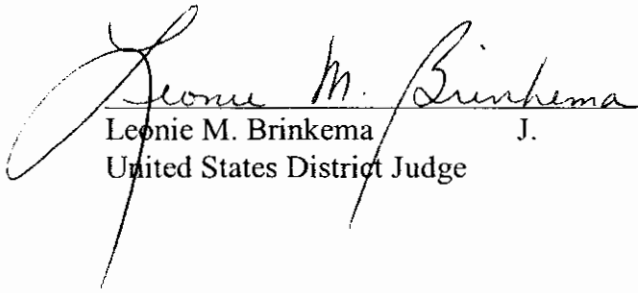
reasonable attorneys' fees and costs in addition to those set out in ¶2 above. See Free v. Briody, 793 F.2d 807 (7th Cir.1986).

10. Because of Defendant's persistent failure to meet its reporting and payment obligations to the Funds under the terms of the collective bargaining agreements, the Funds' Agreements and Declarations of Trust and 29 U.S.C. §1145, Defendant, its officers, agents, servants, employees, attorneys, and all persons acting on their behalf or in conjunction with them shall be and hereby are restrained and enjoined from refusing to file complete, proper and timely remittance reports with accompanying contributions for all periods for which Defendant is obligated to do so under the current and any future collective bargaining agreement(s) to which it is bound.

11. If Defendant fails to comply with any of the terms of this Order, the Funds may, in addition to pursuing the remedies provided under Federal Rule of Civil Procedure 69, reopen this case upon motion to this Court and notice to Defendant, and may at that time ask for further appropriate monetary and/or injunctive relief.

12. This Default Judgment and Order is enforceable by the Funds individually, singly or jointly, or by their agent.

BY THE COURT

  
Leonie M. Brinkema J.  
United States District Judge

May 13, 2005  
Date

A TRUE COPY, TESTE:  
CLERK, U.S. DISTRICT COURT

BY   
DEPUTY CLERK

Copies of this Order shall be sent to:

David S. Bahuriak, Jr., Esquire  
Jennings Sigmond, P.C.  
The Penn Mutual Towers, 16<sup>th</sup> Floor  
510 Walnut Street  
Philadelphia, PA 19106-3683

E A BREEN JR. ROOFING & SHEET METAL WORK, INC.  
a/k/a E A Breen Jr. Roofing & Sheet Metal, Inc.  
a/k/a E A Breen Jr. Rfg. & Sheet Metal Works  
a/k/a E A Breen Jr. Rfg. & SM Works, Inc.  
65 Stanley Avenue  
Medford, MA 02155



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August 12, 2005

Clerk's Office (Civil)  
United States District Court for the  
District of Massachusetts  
John Joseph Moakley U. S. Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210

Re: National Stabilization Agreement of the Sheet Metal Industry  
Trust Fund, et al v. EA Breen Jr. Roofing & Sheet Metal Work,  
Inc.

Dear Sir/Madam:

Enclosed please find the original certification of judgment as well as a certified copy of the default judgment in the above-referenced matter for registration in the District of Massachusetts. Our check in the amount of \$39.00, representing the filing fee, is also enclosed. Please forward a receipt to this office in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

Randall E. Nash

cc: Shanna Cramer (w/out encls)